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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JOHN TURNER,
v.
TIMOTHY FILSON, *et. al*,
Respondents.

Case No. 2:17-cv-02453-MMD-PAL
ORDER

On October 16, 2017, this Court entered an order in this habeas proceeding that notified petitioner Turner of several deficiencies in his habeas petition and allowing him thirty (30) days to file an amended petition that corrects those deficiencies. (ECF No. 3.) The order further advised Turner that failure to file an amended petition within the allotted time would result in dismissal of this case.

Turner has not filed an amended petition as instructed. Instead, he filed a letter advising the Court of his desire to either withdraw the petition or allow it to be dismissed without prejudice. (ECF No. 5.)

It is therefore ordered that the petition (ECF No. 4) is hereby dismissed without prejudice. The Clerk will enter judgment accordingly.

It is further ordered that the Court declines to issue certificate of appealability.

DATED THIS 12th day of December 2017.



MIRANDA M. DU
UNITED STATES DISTRICT JUDGE